

REMARKS

Claims 1, 5-9, 16-17, 19 and new claims 21-31 are pending. Claims 1 and 7 have been amended by deleting subject matter. The support in the originally filed specification for the new claims is as follows: Claim 21: p.6, [0020]; Claim 22: p.6, [0021]; Claim 23: p.6, [0022]; Claim 24: p.7, [0025]; Claim 25: p.8, [0027]; Claim 26: p.8, [0027]; Claim 27: p.11, [0032]; Claim 28: p.12, lines [0035]; Claim 29: p.19, [0059]; Claim 30: p.24, [0066]; and Claim 31: p.26, [0066]. No new matter is added.

Claims 1, 5, 7-9, 16, 17, and 19 are newly rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. (Office Action, page 2).

Claim 1 has been amended to delete the objectionable subject matter making the rejection now moot.

Claims 1, 5, 7-9, 16, 17, and 19 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action, page 3).

Claims 1 and 7 are amended to delete the objectionable subject matter making the rejection now moot.

Claims 1, 5, 7-9, 16, 17, and 19 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Boralle et al (Oligostibenoids from *Gnetum venosum*, *Phytochemistry*, 34 (5): 1403-1407, 1993), in view of Berry (Cyclopropene fatty acids in *Gnetum gnemon* (L.) seeds and leaves, *Journal of the Science of Food and Agriculture*, (1980) Vol. 31, No. 7, pp. 657-662), and further in view of Illiya et al (Illiya et al, Stilbene derivatives from two species of Gnetaceae, *Chem. Pharm. Bull.* 50 (6) 796-801 (2002)), and Qi (Qi, Optimum for extraction processing of stilbene glucoside from *Polygonum multiflorum*, *Zhongcaoya* (2002), 33 (7), 609-611). (Office Action, page 4).

The Boralle, Berry, Illiya and Qi merely discloses the extraction and isolation of stilbenoids generally. The claimed invention, however, differs from the combination of the cited

art at least in the utilization of the aging which converts the stilbene glucoside into the aglycon by hydrolysis without addition of some glucosidases. The aging means action (for example, hydrolysis) of glucosidase in endosperms. The applicants found out the phenomenon given only gnetinoside A by extraction of Emping Belinjo produced by heat-processing of endosperms (Comparison I). The enzyme reaction (hydrolysis) is affected the concentration of polar organic solvent, soak (extract) temperature and time. On the other hand, skilled artisans who do not notice this phenomenon make the enzyme reaction inhibited and inactivated by use of single polar organic solvent and heat reflux.

The applicants investigated extraction and aging of endosperms under various conditions to discover *the aqueous extractant containing the polar organic solvent concentration in the range of 15% to 80% and soak temperature below about 70°C*. The extractant ranging in the concentration from 40% to 60% resulted in gnetin C as major composition in contrast to gnetinoside A. Thus the composition ratio of gnetin C in the extract has been controlled. The extract containing antimicrobial gnetin C brings about extension of the shelf life of foods and cosmetics in addition to improvement of flavor of vegetable extract.

As noted above, an artisan of ordinary skill cannot expect from Boralle, Berry, Illiya and Qi that such a glucosidase exists in the endosperms, not to mention making antibacterial and antioxidative gnetin C from gnetinoside A under appropriate conditions which are the aqueous extractant containing the polar organic solvent concentration in the range of 15% to 80% and soak temperature below about 70°C.

Furthermore Boralle, Berry, Illiya and Qi do not make obvious any of new claims 21-31.

In light of the chemical differences of the claimed invention, in Claims 1, 5-9, 16-17, 19 and new claims 21-31, which are not suggested by the combination of the cited art, it is respectfully requested that the rejection be reconsidered and withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

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Respectfully submitted,

Customer No. 21874

Electronic signature: /James E. Armstrong, IV/
James E. Armstrong, IV
Registration No.: 42,266
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(202) 478-7375
Attorneys/Agents For Applicant